

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-20 are pending; Claims 1-3 are amended, Claims 7-20 are added, and no claims are canceled herewith. New Claims 7-20 are supported by the original claims and specification, for example at page 3, lines 24-27 and page 13, lines 29-31. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, the specification was objected to for an informality; Claim 6 was rejected under 35 U.S.C. § 112, first and second paragraphs; Claims 1-3, 5, and 6 were rejected under 35 U.S.C. § 102(b) as anticipated by JP 2-12363 (hereafter JP '363); and Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over JP '363 in view of JP 63-163767 (hereafter JP '767).

Initially, applicants and applicants' representatives thank Examiner Spisich for the interview held on February 16, 2005 to discuss the present case. During the interview, support for Claim 6 in the disclosure was discussed, as well as differences between the claimed invention and the cited references.

The specification is amended to address the noted informality. Accordingly, the objection to the specification is believed to be overcome.

With regard to the rejections of Claim 6 under 35 U.S.C. §112, first and second paragraphs, those rejections are respectfully traversed.

The outstanding Office Action concludes that the subject matter in Claim 6 was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention based on (1) the lack of the explicit use of the term "abrasive" in the

specification and (2) the statement on page 13, lines 29-31 regarding possible alternative embodiments.

With regard to the first basis, it is respectfully submitted that the term “abrasive” is supported by the specification based on the description of the scraping up body throughout the specification. For example, page 5, lines 17-18 state “scraping up body 16 scrapes up the dust on the floor surface.” Again, page 6, line 18 states “In the carpet, the dust is scraped up by the scraping up body 16.” Further, page 8, lines 12-14 state “the scraping up portion 16A strongly scrapes up the dust due to the rebound force of bending deflection so as to improve the scraping up performance, and the dust in the deep portion of the carpet can be well scraped out.” Further, the MSN Encarta Dictionary (www.encarta.msn.com) defines “abrasive” as “using friction and roughness of texture to smooth or clean a surface.”¹ Thus, it is respectfully submitted that all of these passages describe a scraping up body cleaning a surface using friction and roughness, and thus these descriptions support a recitation of “a scraping up body having an abrasive surface.”

With regard to the second basis, it is respectfully submitted that *at least* the embodiment with a brush for a scraping up body includes a scraping up body having an abrasive surface. Even assuming *arguendo*, that the other disclosed scraping up bodies do not have an abrasive surface, the disclosure of a brush for a scraping up body provides adequate support for Claim 6. It is respectfully noted that not every possible embodiment of the invention must be within the scope of Claim 6. (However, for the record, these alternative embodiments are *not* disclaimed. These alternative scraping up bodies are included within the scope of, for example, Claims 1, 13, 14, and 19.)

With regard to the rejection of Claim 6 under 35 U.S.C. § 112, second paragraph, it is respectfully submitted that one skilled in the art would recognize that “a scraping up body

¹A copy of this definition is included herewith as Exhibit A.

“with an abrasive surface” would include all scraping up bodies capable of performing as described in the specification, for example as quoted above. With regard to the recitation of the possible alternative embodiments on page 13, lines 29-31, it is again noted there is no requirement that all possible embodiments are included within the scope of Claim 6, assuming *arguendo* that some of the embodiments cannot perform as “a scraping up body with an abrasive surface.” Accordingly, it is respectfully submitted that the recitation of possible alternative embodiments in the specification does not render Claim 6 indefinite.

Accordingly, it is respectfully submitted that Claim 6 is in compliance with all requirements under 35 U.S.C. § 112, first and second paragraphs.

With regard to the rejection of Claims 1-3, 5, and 6 under 35 U.S.C. § 102(b) as anticipated by JP ‘363, that rejection is also respectfully traversed.

Claim 1, as amended, recites in part “a rotating body having a radius that varies along an axis of rotation of the rotating body, the rotating body rolling with the adhesive roll.”

JP ‘363 describes a cleaner for a carpet including rollers 5a and 5b and an adhesive roller 7. The outstanding Office Action cited rollers 5a and 5b as “a scraping up body” and “a rotating body.” However, Figures 2 and 3 of JP ‘363 show that rollers 5a and 5b have constant radii along the axis of rotations of the respective cylinders. Thus, it is respectfully submitted that JP ‘363 does not teach “a rotating body having a radius that varies along an axis of rotation of the rotating body, the rotating body rolling with the adhesive roll,” as recited in Claim 1.

As JP ‘363 fails to disclose or suggest the configuration recited in Claim 1, it is respectfully submitted that Claim 1 patentably distinguishes over JP ‘363. It is therefore respectfully requested that the outstanding rejection of Claims 1-3 and 5 be withdrawn.

New Claim 13 is dependent from Claim 1, and is thus considered to be allowable for at least the reasons discussed above with respect to Claim 1.

Claim 6 recites in part “a rotating body having a concavo-convex portion, said rotating body rolling with the adhesive roll.” As discussed above with respect to Claim 1, JP ‘363 discloses that rollers 5a and 5b are cylinders having a constant radius. Accordingly, JP ‘363 fails to disclose or suggest the configuration recited in Claim 6. Thus, it is respectfully submitted that Claim 6 patentably distinguishes over JP ‘363. It is therefore respectfully requested that the outstanding rejection of Claim 6 be withdrawn.

New Claims 7-12 are dependent from Claim 6, and are thus considered to be allowable for at least the reasons discussed above with respect to Claim 6.

New Claim 14 also recites in part “a rotating body having a concavo-convex portion, said rotating body rolling with the adhesive roll.” Accordingly, it is respectfully submitted that new Claim 14, and new Claims 15-20 dependent therefrom, are patentable for at least the reasons discussed above with respect to Claim 6.

With regard to the rejection of Claim 4 under 35 U.S.C. § 103(a) as unpatentable over JP ‘363 in view of JP ‘767, this rejection is also respectfully traversed.

As noted above, JP ‘363 fails to disclose or suggest the features of Claim 1, from which Claim 4 depends. Further, it is respectfully submitted that JP ‘767 fails to remedy the defects above noted with regard to JP ‘363. Accordingly, it is respectfully submitted that Claim 4 is patentable over JP ‘363 in view of JP ‘767.

Moreover, it is respectfully submitted that there is no basis in the teachings of either JP ‘363 or JP ‘767 to support the applied combination. No translations of either reference are present in the record, and the outstanding Office Action fails to cite to any teachings within either of the untranslated references to support the applied combination. Accordingly, it is respectfully submitted that the combination of JP ‘363 with JP ‘767 is based upon hindsight reconstruction, and is improper.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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EXHIBIT A

Application No. 10/820,735
Reply to OA Dated December 2, 2004

Print Preview **abrasive**

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ab·ra·sive [ə bráyssiv, ə bráyziv]

adjective

1. **using friction:** using friction and roughness of texture to smooth or clean a surface
 - *an abrasive cleaner*
2. **harsh in manner:** aggressively direct and insensitive

noun (plural *ab·ra·sives*)

smoothing substance: a substance used to smooth or polish a surface by grinding or scraping. Typical abrasives include sandpaper, pumice, and emery.

[Mid-19th century. From Latin *abras-* , the past participle stem of *abradere* (see *abrade*).]

- **ab·ra·sive·ly** *adverb*
- **ab·ra·sive·ness** *noun*

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